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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,377	08/21/2003	Gary Lamolinara	030012	7458
9961	7590	09/07/2005	EXAMINER	
PAUL A. BECK & ASSOCIATES SUITE 100 1575 McFARLAND ROAD PITTSBURGH, PA 15216-1808			ZEADE, BERTRAND	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/645,377		LAMOLINARA	
	<b>Examiner</b>		<b>Art Unit</b>	
	Bertrand Zeade		2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/30/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argued that to establish a prima facie case of obviousness; three basic criteria must be met. First there must be some suggest or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." Applicant added that the Examiner failed show a prima facie case of obviousness in this case.

2. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the references cited are analogous for being in the same field of invention like Applicant's claimed invention, because it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for

rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al. (U.S.6296377) in view of Judd et al. (U.S.6913376) B2

Wilson discloses a convertible modular lantern having:

Regarding claim 1 as shown in (fig. 3), a light fixture body (10), a mount (12) for the light fixture body for attachment to a support structure (54). A first portion of the locking mechanism (40) attached to the light fixture body, a second portion of the locking mechanism (40) attached to the mount whereby the, light fixture body is attached to the mount.

Regarding claim 2, coupling the light fixture body or lantern (10) to the mount includes twist locking (40).

Wilson does not disclose a nonthreadably releaseably coupling the light fixture body as applied to claim 1 above.

However, Judd et al. (6913376) teaches nonthreadably releaseably coupling the light fixture body as shown in (figs. 2 and 3).

Regarding claim 7 as shown in (fig. 2) of Judd, the first portion of the locking mechanism is a hole (30, fig. 2) having three notches (32) in the circumference of the hole and the second portion of the locking mechanism that is circular disc member having three tabs (28, fig. 2) extending from the circular disc member.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the convertible modular lantern of **Wilson** with the locking mechanism for nonthreadably releaseably coupling the light fixture body of **Judd et al.**, since the nonthreadably releaseably coupling the light fixture body of **Judd** would provide **Wilson** with the hole at the center of the boot and the turning of the light source to engage the light source's quarter turn locking mechanism. Once the light source is locked into place, the sealing bulb boot creates an effective seal around the housing, the light source and the reflector, and fixedly secures the light source.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of Judd as applied to claim 1 above, and further in view of Russo (U.S.2005/0013196) A1.

Wilson in view of Judd discloses the claimed invention except for hard wired.

However, regarding claim 4, Russo discloses the mount that has a hard wired light socket (col. 1, section 0004, (lines 6-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the convertible modular lantern of **Wilson** in view of **Judd** with the hard wired taught by **Russo**, since the hard wired of **Russo** would provide **Wilson** with a simple lighting system, such that the socket timer is placing the socket

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timer remote receiving and timer unit into a standard production light fixture socket, where the remote receiving and the timer unit becomes an integral part of the electrical fixture socket for hard wired ceiling and wall fixture simplifying the lighting connection.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson ('377) in view of Burke (U.S.4306280).

Wilson ('377) discloses a convertible modular lantern having:

Regarding claims 3 and 6, a method of providing a light fixture assembly or shade assembly (38) having a light fixture body (38), a post mount or tail (162), a coach mount (10) and a finishing piece (not numbered as shown in fig. 22) selecting, an appropriate mounting piece (36), and attaching the appropriate mounting piece (36) and the finishing piece to the light fixture body without using tools.

Wilson ('377) does not teach a chain mount as applied to claims 3 and 6.

However, Burke discloses a multi-adjustable supporting device having a chain mount (as shown in fig. 1).

It would have been obvious to one having ordinary in the art at the time the invention was made to modify the convertible modular lantern of Wilson ('377) with the

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chain taught by Burke, since the chain of Burke would provide the convertible modular lantern of Wilson ('377) with a light fixture, thus giving an ecstatic appearance hanging from the ceiling.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson ('377) in view of Burke (U.S.4306280) as applied to claim 3 above, and further in view of Russo (U.S.2005/0013196) A1.

Wilson in view of Burke discloses the claimed invention except for the hard wired.

However, as best understood of claim 5, Russo discloses as shown in figs. 11 and 13) the mount comprising a hard wired light socket (col. 1, section 0004, (lines 6-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the convertible modular lantern of **Wilson** in view of **Burke** with the hard wired taught by **Russo**, since the hard wired of **Russo** would provide **Wilson** with a simple lighting system, such that the socket timer is placing the socket timer remote receiving and timer unit into a standard production light fixture socket, where the remote receiving and the timer unit becomes an integral part of the electrical fixture socket for hard wired ceiling and wall fixture simplifying the lighting connection.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 571-272-2387. The examiner can normally be reached on 9:30 AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bertrand Zeade  
Examiner  
Art Unit 2875



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